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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,552	08/27/2001	Mitsuru Mishio	450100-03425	4981
20999	7590	08/10/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/940,552

Applicant(s)

MISHIO, MITSURU

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed 07/07/2006 have been fully considered but they are not persuasive.

**Examiner's response:**

2. Applicant argues with regards to newly added limitation (claims 1, 4 and 7) that Wakabayashi fails to teach an operation input means for inputting an instruction for operation of said camera section, wherein said instruction is one of transferring of said image signal through said image control means and ending the transfer of said image signal through said control means. The Examiner respectfully disagrees. Wakabayashi teaches a cursor 20 (operation input means, figure 1) is superimposed on a target item 19 with the cursor key 8, and the selection button 7 is depressed to select the displayed function or item. For example, when the cursor 20 is moved to "Camera" within the items 19 and the selection button 7 is depressed to select a camera function, the imager apparatus 1 functions as a video camera. In response, the video camera unit 5 is powered on to display an imaged subject on the liquid crystal display 6. In this event, the liquid crystal display 6 functions as an electronic viewfinder (col. 5 lines 4-12, figure 1). Therefore in response to an instruction to operate the camera, an image is transferred from the camera unit 5 through said control means and to the display 6. Wakabayashi also teaches that when the cursor 20 is moved to "Monitor" within the items 19, the video camera unit 5 is powered off, so that the display on the liquid crystal display 6 is switched to an image which has previously been stored in the video camera unit 5 or to a "word processor" etc (col. 5 lines 12-22, figure 1). Therefore when an instruction for "monitor", "word processor" or "PC" is issued the

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camera unit 5 is powered off and that ends the transfer of said image signal through said control means.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakabayashi et al. (US Patent # 5,903,706).

[Claim 1]

Wakabayashi teaches a portable information terminal (figure 1) including a camera section capable of imaging or shooting an image (figure 1, element 5), said portable information terminal comprising: a first body (figure 1, element 16) including said camera section; a second body (figure 1, element 3) connected to said first body so as to turn/rotate in relation to said first body (col. 4 lines 44-57); a detection means (figure 20, element 82) for detecting an exposure of said camera section to outside of said portable information terminal and for detecting a relation between a vertical direction of an image based on an image signal generated by said camera section and a vertical direction of an actual image (col. 8 lines 58-67, col. 9 lines 1-2); a image control means for (figure 22, element 104) controlling imaging using said camera section according to a detection result of said detection means and an inversion means (figure 22, element 105, 106, 107) for inverting the vertical direction of the image based on the image signal generated by said camera section when said detecting means detects un-matching between the

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vertical direction of the image based on the image signal and the vertical direction of the actual image (col. 9 lines 46-67, col. 10 lines 1-7),

an operation input means for inputting an instruction for operation of said camera section, wherein said instruction is one of transferring of said image signal through said image control means and ending the transfer of said image signal through said control means (col. 5 lines 4-22, figure 1) [Therefore in response to an instruction to operate the camera, an image is transferred from the camera unit 5 through said control means and to the display 6 and when an instruction for “monitor”, “word processor” or “PC” is issued the camera unit 5 is powered off and that ends the transfer of said image signal through said control means].

[Claim 2]

Wakabayashi teaches wherein said detection means comprises a first detection means (figure 19, element 81) for detecting turning of said first body in a direction in which the vertical direction of the image based on the image signal generated by said camera section and the vertical direction of the actual image match with each other (col. 8 lines 52-57, When the camera is turned on it is still taking upright pictures until it is turned over which is detected by switch 82); and a second detection means (figure 21, element 82) for detecting turning of said first body in a direction in which the vertical direction of the image based on the image signal generated by said camera section and the vertical direction of the actual image are opposite to each other (col. 9 lines 3-8).

[Claims 4, 5 and 7]

Wakabayashi teaches a portable information terminal (figure 1) including a camera section capable of imaging or shooting an image (figure 1, element 5), said portable information terminal

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comprising: a first body (figure 1, element 16) including said camera section; a second body (figure 1, element 3) connected to said first body so as to turn/rotate in relation to said first body (col. 4 lines 44-57), a detection means (figure 18, element 80) for detecting a position of said camera section, wherein said detection means detects: (a) an off position on which said camera section is not available for use (col. 8 lines 44-47), and (b) an inverting position on which said camera section inverts an image signal generated by said camera section (col. 8 lines 58-67, col. 9 lines 1-2); a controlling means (figure 22, element 104) for controlling imaging using said camera section according to a detection result of said detection means; and an inversion means (figure 22, element 105, 106, 107) for inverting said image signal when said detecting means detects said inverting position (col. 9 lines 46-67, col. 10 lines 1-7).

an operation input means for inputting an instruction for operation of said camera section, wherein said instruction is one of transferring of said image signal through said image control means and ending the transfer of said image signal through said control means (col. 5 lines 4-22, figure 1) [Therefore in response to an instruction to operate the camera, an image is transferred from the camera unit 5 through said control means and to the display 6 and when an instruction for “monitor”, “word processor” or “PC” is issued the camera unit 5 is powered off and that ends the transfer of said image signal through said control means].

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakabayashi et al. (US Patent # 5,903,706).

[Claims 3 and 6]

Wakabayashi et al. teaches that when the cursor key 20 is moved to “monitor” on the LCD screen 6 the camera unit is turned off but does not explicitly teach an inquiry means for inquiring a user whether the user ends imaging processing using said camera section, wherein said imaging control means performs said inquiring to the user by controlling said inquiry means when said camera section is detected as not exposed by said detection means, and said imaging control means ends the imaging processing according to a result of said inquiry. However Official notice is taken of the fact that it is notoriously common to have a control means like a computer to inquire a user to end the present session in order to save or close a present application before the computer is powered off. Therefore taking the combined teachings of Wakabayashi and Official notice it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have similarly inquired a user whether to end an imaging process when said camera section is detected as not exposed by said detection means, and said imaging control means ends the imaging processing according to a result of said inquiry in order to save an image file or close other applications [As applicant has not traversed the old and well known statement above, the use of a control means like a computer to inquire a user to end the present session in order to save or close a present application before the computer is powered off is taken as admitted prior art. See MPEP 2144.03(c)].

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.


8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA  
July 30, 2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER